

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UTHAIWAN WONG-OPASI,)	
)	
Plaintiff,)	
)	No. 3:05-0493
v.)	JUDGE ECHOLS
)	
NATIONAL BANK OF COMMERCE,)	
)	
Defendant.)	

ORDER

For the reasons explained in the Memorandum entered contemporaneously herewith, the Court rules as follows:

(1) The Report and Recommendation of the Magistrate Judge (Docket Entry No. 19) is hereby REJECTED.

(2) Defendant's Motion for Summary Judgment (Docket Entry No. 13) is hereby GRANTED.

(3) Defendant's Motion to Compel Plaintiff to Appear at Deposition and For Sanctions (Docket Entry No. 9), is hereby GRANTED IN PART and DENIED IN PART. That portion of the Motion seeking to compel Plaintiff to attend her deposition is hereby DENIED AS MOOT. That portion of the Motion seeking sanctions against the Plaintiff is hereby GRANTED. Pursuant to Federal Rule of Civil Procedure 37(d), Plaintiff is hereby ORDERED to pay to Defendant, **within thirty (30) days after entry of this Order**, the sum of \$147.10 to reimburse Defendant for the court reporter fees

charged to Defendant on the two dates Plaintiff failed to appear for her deposition.

(4) This case is hereby DISMISSED WITH PREJUDICE.

(5) Entry of this Order on the docket shall constitute entry of final Judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", is written over a horizontal line.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE